

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7699**

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KEVIN W. MCDANIELS,

Plaintiff - Appellant,

versus

LARRY W. POWERS, Director of Spartanburg  
County Detention Center; SALVATORE BIANCO,  
Physician; OFFICER LINDSEY; JUAN WYRTCH,  
Officer,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Terry L. Wooten, District Judge.  
(CA-01-3472-22-AK)

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Submitted: May 12, 2003

Decided: May 29, 2003

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Before WILLIAMS, MOTZ, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kevin W. McDaniels, Appellant Pro Se. Ginger Dee Goforth, HOLCOMBE,  
BOMAR, GUNN & BRADFORD, P.A., Spartanburg, South Carolina; Ronald  
H. Colvin, COLVIN & FOSTER, Spartanburg, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Kevin W. McDaniels appeals the district court's order accepting the magistrate judge's report and granting Defendants' motion for summary judgment on his complaint under 42 U.S.C. § 1983 (2000).<sup>\*</sup> We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See McDaniels v. Powers, No. CA-01-3472-22-AK (D.S.C. Aug. 12, 2002; Sept. 30, 2002; January 7, 2003). We deny McDaniels' motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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<sup>\*</sup> McDaniels originally filed his notice of appeal before the district court entered its final judgment. We dismissed the appeal for failure to prosecute. After the district court entered its final judgment, McDaniels moved in this court to reopen or reinstate his appeal. We granted the motion. We construe McDaniels' timely filed motion to reopen or reinstate his appeal as a notice of appeal from the district court's final judgment. Cf. Smith v. Barry, 502 U.S. 244, 245 (1992).